

REMARKS

Claims 27-58 are pending. Claims 27-58 were rejected. Claims 27 and 34 are amended.

Claims 27-33 rejected under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) over U.S. Patent No. 6,327,972 to Heredia et al.

The examiner has not shown Heredia to include “wherein switching the programmer from the communication interface corresponding to the first set of RF tags to the communication interface corresponding to the second set of RF tags happens substantially automatically,” as recited by amended claim 27. The applicant notes that the cited locations of Heredia do not disclose or reasonably suggest switching between RF tag communication interfaces substantially automatically. Claim 27 is allowable for at least this reason

Claims 28-33 depend from claim 27 and are allowable for at least the reasons given for claim 27.

Claims 34-47 rejected under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) over U.S. Patent No. 6,327,972 to Heredia et al.

The examiner has not shown Heredia to disclose or reasonably suggest “a multi-protocol RF tag programmer functionally associated with the print engine, the multi-protocol RF tag programmer being operable to program the sets of intelligent labels characterized by differing RF protocols and wherein the multi-protocol RF tag programmer is operable to switch between differing RF protocols automatically” as recited by amended claim 34. The applicant notes that the cited locations of Heredia do not disclose or reasonably suggest switching between differing RF protocols automatically. Claim 34 is allowable for at least this reason.

Claims 35-47 depend from claim 34 and are allowable for at least the reasons given for claim 34.

Claims 48-54 rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,327,972 to Heredia et al. in view of U.S. Patent No. 5,842,118 to Wood Jr.

The applicant disagrees with the examiner's characterization regarding the combination of Heredia and Wood. Heredia discloses a "printer with a device for the driving of transponder chips." Heredia's label strip "is unwound from the supply reel 21 and guided between a platen roll 7 and a print head 4." (C:3, L:54-57) Heredia's Fig. 1 shows that the label strip is also guided to a point adjacent an antenna 20. Thus, Heredia's printer provides close proximity between the antenna and the transponders with which the antenna interacts.

Wood, on the other hand is directed toward a system that uses antenna diversity to improve communications performance. In particular, Wood states "The system 10 is useful whenever RF transmission over a large range is desirable, such as for inventory control." (C:6, L:35-37)

It would not be obvious to combine a reference focused on "large range" communication with a reference that provides close proximity between the antenna and transponders. Heredia does not disclose that transponders should be programmed from long range and therefore does not suggest a motivation to combine with a technology "useful whenever RF transmission over a large range is desirable" along the lines offered by Wood. Wood does not disclose that its antenna diversification be applied to close range communication with a label strip along the lines disclosed by Heredia and therefore does not suggest a motivation to combine with Heredia. There is no suggestion in either reference to combine with the other. It therefore constitutes improper hindsight to combine Heredia and Wood in the manner proposed by the examiner, and claim 48 is allowable for at least this reason.

Furthermore, Heredia and Wood, alone and in combination, do not disclose or reasonably suggest "an RF tag programmer in the housing having a first antenna operable to address a first communication field coincident with at least a portion of the media path and a second antenna operable to address a second communication field coincident with at least a portion of the media path" as recited by claim 48. Heredia does not disclose at the cited location multiple communication fields along the media path. Wood does not

communication fields along a strip of labels. Claim 48 is allowable for at least this additional reason.

Claims 49-54 depend from claim 48 and are allowable for at least the reasons given for claim 48.

Claims 55-58 rejected under 35 U.S.C. § 102(e) or 35 U.S.C. § 103 over U.S. Patent No. 6,327,972 to Heredia et al.

The examiner has not shown Heredia to disclose or reasonably suggest “automatically detecting a first RF communication protocol compatible with a first set of intelligent labels;” or “automatically detecting a second RF communication protocol different from the first RF communication protocol compatible with a second set of intelligent labels;” as recited by claim 55. The cited portion of Heredia does not mention detecting an RF communication protocol, much less automatically detecting first and second differing RF communication protocols. Claim 55 is allowable for at least these reasons.

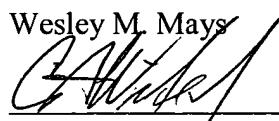
Claims 56-58 depend from claim 55 and are allowable for at least the reasons given for claim 55.

The applicant believes this amendment to be fully responsive to the Office Action dated September 7, 2005. The applicant submits that no new material has been added. It is respectfully submitted that the claims are now in condition for issuance. Applicant requests the examiner to grant issuance with the claims as currently pending.

The Examiner is invited to contact Mr. Christopher A. Wiklof at (425) 415-6641 with any issues that may advance prosecution of the application on the merits.

Respectfully submitted,

Wesley M. Mays



Christopher A. Wiklof
Registration No. 43,990

CAW

Enclosures:

Postcard

Christopher A. Wiklof
3531 99th St. SE
Everett, WA 98208
(425) 415-6641
(425) 415-6795 facsimile